

Message Text

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PAGE 01 STATE 094529

70

ORIGIN NRC-07

INFO OCT-01 ARA-10 ISO-00 OES-06 EB-07 ERDA-07 SS-15 INT-05

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DRAFTED BY USNRC:R.A. STELLA

APPROVED BY OES/NET/IM:

ARA/BR - R.ELTZ

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FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA PRIORITY

INFO AMCONSUL RIO DE JANEIRO

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E.O. 11652: N/A

TAGS: TECH, BR

SUBJECT: NRC-CNEN INFORMATION EXCHANGE ARRANGEMENT

REF: BRASILIA 2979

1. BY LETTERS DATED NOVEMBER 29, 1974, AND NOVEMBER 21, 1975; THE U.S. NUCLEAR REGULATORY COMMISSION FORWARDED DRAFT DOCUMENTS FOR AN ARRANGEMENT FOR REGULATORY INFORMATION EXCHANGE TO CNEN'S H.G. DE CARVALHO. THE 1974 LETTER WAS LOST IN THE MAIL.

2. WE APPRECIATE CNEN EXPRESSION OF INTEREST IN SIGNING THE ARRANGEMENT, REFTEL, AND WISH TO CONFIRM OUR WILLINGNESS TO SIGN THE ARRANGEMENT FORWARDED IN NOVEMBER 1975, AT THE EARLIEST POSSIBLE TIME CONVENIENT TO BOTH PARTIES.

3. WE DID NOT RECEIVE CNEN'S MESSAGE, REFTEL, CONCERNING TEXT OF PATENT ADDENDUM OF NOV. 1975 DOCUMENT. REQUEST EMB. INFORM ASAP SHOULD CNEN HAVE ANY QUESTIONS RE. ADDENDUM TEXT(S) PROVIDED BELOW SO THAT WE CAN PROVIDE NEEDED ANSWERS.
UNCLASSIFIED

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PAGE 02 STATE 094529

4. IT MAY BE OF INTEREST TO CNEN THAT TEXTS OF NEW ARRANGEMENTS NOW BEING CONCLUDED INCLUDE MORE DETAILED DESCRIPTION OF PATENT RESPONSIBILITIES, NAMELY:

-----PATENT ADDENDUM -----

1. DEFINITIONS

WHEN USED IN THIS ARTICLE UNLESS THE CONTEXT OTHERWISE INDICATES (I) THE TERM "PERSONNEL" MEANS: (A) THE EMPLOYEES OF A PARTY TO THIS ARRANGEMENT; AND (B) THE EMPLOYEES OF A CONTRACTOR OF A PARTY TO THIS ARRANGEMENT. (II) THE TERM "INVENTING PARTY" MEANS THE PARTY TO THIS ARRANGEMENT WHOSE PERSONNEL HAS MADE OR CONCEIVED AN INVENTION OR DISCOVERY DURING THE COURSE OF OR UNDER THE ACTIVITIES COVERED BY THE TERMS OF THIS ARRANGEMENT.

2. REPORTING AND ALLOCATION OF RIGHTS

(I) EXCEPT OTHERWISE PROVIDED IN PARAGRAPH II, HERINAFTER, IF AN INVENTION OR DISCOVERY IS MADE OR CONCEIVED BY THE PERSONNEL OF THE INVENTING PARTY DURING THE COURSE OF OR UNDER THE ACTIVITIES COVERED BY THE TERMS OF THIS ARRANGEMENT; OR IF SUCH INVENTION WAS MADE OR CONCEIVED AS A DIRECT RESULT OF INFORMATION ACQUIRED BY SUCH PERSONNEL FROM THE OTHER PARTY, THEN THE INVENTING PARTY: (A) AGREES TO PROMPTLY DISCLOSE SUCH INVENTION OR DISCOVERY TO THE OTHER PARTY; (B) AGREES TO TRANSFER AND ASSIGN TO THE OTHER PARTY, ALL RIGHT, TITLE, AND INTEREST IN AND TO SUCH INVENTION OR DISCOVERY IN THE COUNTRY OF THE OTHER PARTY SUBJECT TO THE RESERVATION OF A NONEXCLUSIVE, IRREVOCABLE, ROYALTY-FREE LICENSE TO MAKE, USE AND SELL SUCH INVENTION OR DISCOVERY IN SUCH OTHER COUNTRY; AND (C) MAY RETAIN THE ENTIRE RIGHT, TITLE, AND INTEREST IN AND TO SUCH INVENTION OR DISCOVERY IN THE COUNTRY OF THE INVENTING PARTY AND IN THIRD COUNTRIES BUT SHALL GRANT TO THE OTHER PARTY, UPON REQUEST OF THE OTHER PARTY, A NONEXCLUSIVE, IRREVOCABLE, ROYALTY-FREE LICENSE TO MAKE, USE, AND SELL SUCH INVENTION OR DISCOVERY IN SUCH COUNTRY OF THE INVENTING PARTY AND IN SUCH THIRD COUNTRIES.

(II) IN THE EVENT AN INVENTION OR DISCOVERY IS MADE OR CONCEIVED BY THE PERSONNEL OF THE INVENTING PARTY DURING THE COURSE OF OR UNDER THE ACTIVITIES COVERED BY THE TERMS OF THIS ARRANGEMENT AND SUCH INVENTION WAS MADE OR CON-

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 094529

CEIVED WHILE SUCH PERSONNEL WAS ASSIGNED TO THE OTHER PARTY, THE INVENTING PARTY: (A) AGREES TO PROMPTLY DISCLOSE SUCH INVENTION OR DISCOVERY TO THE OTHER PARTY; (B) MAY RETAIN THE ENTIRE RIGHT, TITLE, AND INTEREST IN AND TO SUCH INVENTION OR DISCOVERY IN THE COUNTRY OF THE INVENTING PARTY; (C) SHALL GRANT TO THE OTHER PARTY, UPON REQUEST OF THE OTHER PARTY, A NONEXCLUSIVE, IRREVOCABLE, ROYALTY-FREE LICENSE TO MAKE, USE AND SELL SUCH

INVENTION OR DISCOVERY IN THE COUNTRY OF THE INVENTING PARTY; AND (D) AGREES TO TRANSFER AND ASSIGN TO THE OTHER PARTY ALL RIGHT, TITLE, AND INTEREST IN AND TO SUCH INVENTION OR DISCOVERY IN THE COUNTRY OF THE OTHER PARTY

AND IN THIRD COUNTRIES SUBJECT TO THE RESERVATION OF A NONEXCLUSIVE, IRREVOCABLE, ROYALTY-FREE LICENSE TO MAKE, USE, AND SELL SUCH INVENTION OR DISCOVERY IN SUCH OTHER COUNTRY AND IN SUCH THIRD COUNTRIES.

(III) AS EMPLOYED IN THIS ARRANGEMENT, A LICENSE TO A PARTY TO MAKE, USE, AND SELL AN INVENTION OR DISCOVERY SHALL INCLUDE THE RIGHT TO HAVE OTHERS MAKE, USE AND SELL SUCH INVENTION OR DISCOVERY ON BEHALF OF SUCH LICENSED PARTY.

3. CLAIMS FOR COMPENSATION

EACH PARTY AGREES TO WAIVE, AND DOES HEREBY WAIVE, ANY AND ALL CLAIMS AGAINST THE OTHER PARTY FOR COMPENSATION, ROYALTY OR AWARD AS REGARDS ANY INVENTION, DISCOVERY, PATENT APPLICATION OR PATENT MADE OR CONCEIVED IN THE COURSE OF OR UNDER THIS ARRANGEMENT, AND AGREES TO RELEASE, AND DOES HEREBY RELEASE, THE OTHER PARTY WITH RESPECT TO ANY AND ALL SUCH CLAIMS, INCLUDING ANY CLAIMS UNDER THE PROVISIONS OF THE UNITED STATES ATOMIC ENERGY ACT OF 1954, AS AMENDED. END OF PATENT ADDENDUM.

5. SHOULD CNEN PREFER THE MORE RECENT VERSION OF THE PATENT ADDENDUM WE WOULD AGREE TO REPLACING THE ORIGINAL PATENT ADDENDUM.

6. THE NOVEMBER 1975 DOCUMENT PATENT ADDENDUM FOLLOWS:

----- PATENT ADDENDUM -----

A. WITH RESPECT TO ANY INVENTION OR DISCOVERY MADE OR CONCEIVED DURING THE PERIOD OF, OR IN THE COURSE OF OR UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 094529

UNDER, THIS EXCHANGE OF TECHNICAL INFORMATION IN REGULATORY SAFETY RESEARCH MATTERS AND COOPERATION IN DEVELOPMENT OF SAFETY STANDARDS BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION AND THE COMISSAO NACIONAL DE ENERGIA NUCLEAR OF BRAZIL, IF MADE OR CONCEIVED WHILE IN ATTENDANCE AT MEETINGS OR WHEN EMPLOYING INFORMATION WHICH HAS BEEN COMMUNICATED UNDER THIS EXCHANGE ARRANGEMENT BY ONE PARTY OR ITS CONTRACTORS TO THE OTHER PARTY OR ITS CONTRACTORS, THE PARTY (INVENTOR PARTY) MAKING THE INVENTION SHALL ACQUIRE ALL RIGHT, TITLE AND INTEREST IN AND TO ANY SUCH INVENTION, DISCOVERY, PATENT APPLICATION OR PATENT IN ITS OWN AND THIRD COUNTRIES, SUBJECT TO THE GRANT TO THE OTHER PARTY (RECIPIENT PARTY) OF A ROYALTY-FREE, NON-EXCLUSIVE, IRREVOCABLE LICENSE, WITH THE RIGHT TO GRANT SUBLICENSES, IN AND TO ANY SUCH INVENTION, DISCOVERY,

PATENT APPLICATION, OR PATENT, IN SUCH COUNTRIES, FOR USE
IN THE PRODUCTION OR UTILIZATION OF SPECIAL NUCLEAR
MATERIAL OR ATOMIC ENERGY, AND THE RECIPIENT PARTY SHALL
ACQUIRE ALL RIGHT, TITLE AND INTEREST IN SUCH INVENTION,
PATENT, ETC., IN ITS OWN COUNTRY, SUBJECT TO THE GRANT OF
A CORRESPONDING LICENSE TO THE INVENTOR PARTY.

B. EACH PARTY SHALL ASSUME THE RESPONSIBILITY TO PAY
AWARDS OR COMPENSATION REQUIRED TO BE PAID TO ITS OWN
NATIONALS ACCORDING TO ITS OWN LAWS.

7.

REQUEST EMBASSY REPLY NOTE DISTRIBUTION TO NRC FOR
J. D. LAFLEUR, JR. ROBINSON

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Message Attributes

Automatic Decaptioning: X
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